

JAN 28 1987

JOSEPH R. SPANIO
CLERK

IN THE
Supreme Court of the United States
OCTOBER TERM, 1986

BOARD OF DIRECTORS OF ROTARY
INTERNATIONAL, et al.,

—v.—

Appellants,

ROTARY CLUB OF DUARTE, et al.,

Appellees.

ON APPEAL FROM THE
COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

**APPENDIX TO THE BRIEF OF THE
ROTARY CLUB OF SEATTLE-INTERNATIONAL
DISTRICT, et al.**

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROTARY CLUB OF SEATTLE -)	
INTERNATIONAL DISTRICT,)	NO. C86-1475M
et al.,)	
Plaintiffs,)	DECLARATION OF
v.)	PHILIP ANDERSON
ROTARY INTERNATIONAL,)	
Defendant.)	

PHILIP ANDERSON declares:

1. I am a dentist in private practice, with offices located in Seattle, Washington.
2. I have been a member of Rotary since 1979, and have been President of the Burien/White Center Rotary Club since July 1986. Our club has about sixty members.
3. Rotary's membership classification scheme never prevents us from admitting new members. I am unaware of anyone ever being refused membership in the Burien/White Center Rotary Club because a classification has already been filled. If we already have a member engaged in the same general area of business or profession, we simply find a new or different classification to describe the new member.
4. The Burien/White Center Club actively recruits new members. If someone has a personal or professional tie with

someone, we will approach that person to consider membership in Rotary. Generally, without any such tie we will not approach a a person to ask them to consider membership in our club.

5. Early during my term as president of the Burien/White Center Club I sent members of the club a questionnaire asking their opinions on a number of issues, including their position on admitting women as Rotary members. While the club decided against taking any form of legal action ourselves, we did specifically agree to recognize female Rotarians admitted by other clubs and to agree to honor the "make-up" cards they presented.

6. The Burien/White Center Club would admit women as members if it were permitted to do so by the Rotary International organization. The Rotary's rule prevents us from associating as Rotarians with many members of the community who we believe could benefit our club, and who could be benefited by Rotary membership. It is my sincere hope that Rotary International changes its policy to permit us to associate with women as full members of the Rotary in the future.

I CERTIFY under penalty of perjury under the laws of the United States of America and of the State of Washington that the foregoing is true and correct.

EXECUTED at Seattle, Washington, on October 31, 1986.

/s/
PHILIP ANDERSON, D.D.S.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROTARY CLUB OF SEATTLE -)	
INTERNATIONAL DISTRICT,)	NO. C86-1475M
et al.,)	
Plaintiffs,)	DECLARATION OF
v.)	HWA-TSUN FENG
ROTARY INTERNATIONAL,)	
Defendant.)	

HWA-TSUN FENG declares:

1. I am Legal Counsel for SeaFirst Bank and a charter member of the Rotary Club of Seattle-International District (the "Club").

2. Prior to joining the Club, I learned that Rotary International's policy excluded the admission of women to local Rotary clubs. I considered this very carefully and debated long and hard before joining the Club. Ultimately I did join in 1984. At that time I was a lawyer in private practice and looked to the Club as a source of business contacts. I also felt Seattle's International District would be benefited by the Club.

3. I believe that Rotary is a great organization and I subscribe to its principles with one exception -- the policy of excluding women. During the first two years of this Club's existence, it became

clear to me that our club would be better, more diverse and more effective with women.

4. I have been active in community affairs in Seattle and have served as president of the Chinese Information & Service Center, Chairman of Minority Representation and the Law Committee of the Seattle-King County Bar Association and a member of the 1985-1986 Leadership Tomorrow class sponsored by the Chamber of Commerce and the United Way. Through those organizations I have met a number of dynamic and accomplished professional and business women who I felt would be ideal members of our Club.

5. I believe that both the Club and myself personally have suffered because of the Rotary International's policy on exclusion of women. For example, one of our members, a vice president of a non-profit organization, had to resign for health reasons. The woman who was president of the organization, was unable to join because of Rotary International's policy. As a result, we were left without any representative of a major non-profit organization in Seattle.

6. I believe that my constitutional rights of freedom of association are

violated by Rotary International's policy and that our Club ought to have the freedom of choice to determine a non-discriminatory membership policy.

This document was signed under the laws of perjury in the State of Washington and is being executed subject to the penalties of perjury.

Dated: 9/15/86

/s/

HWA-TSUN FENG

Place: Seattle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROTARY CLUB OF SEATTLE -)	
INTERNATIONAL DISTRICT,)	NO. C86-1475M
et al.,)	
Plaintiffs,)	DECLARATION OF
v.)	KATHERINE
ROTARY INTERNATIONAL,)	FLETCHER
Defendant.)	

KATHERINE FLETCHER declares:

1. I am chair of the Puget Sound Water Quality Authority, an independent state agency which was formed to prepare and implement a comprehensive plan to protect and improve the water quality in Puget Sound.

2. On September 4, 1986 I was admitted to membership in the Rotary Club of Seattle - International District. I will pay my club dues personally but will deduct them as a business expense on my tax return.

3. I have been very active in community affairs and recognize Rotary as an extension of that involvement. For example I have served on the boards of the Washington Environmental Foundation, The Puget Sound Alliance and the Northwest Renewable Resources Center.

4. In my view, the Rotary organization in Seattle holds a special position of influence and prestige among the business and civic leaders. I welcome the opportunity to join Rotary for a number of reasons, among them:

a. An important aspect of my job is education of the community and explanation of how the activities of the Authority affect the business community. Membership in the Rotary Club provides me with unique and valuable access to a broad network of business and community leaders.

b. Membership in the Rotary is an opportunity to work with diverse representatives of the business community.

c. I have always been public-service oriented and look forward to participating in valuable community service projects sponsored by Rotary.

d. One of the attractions of the Rotary organization is the opportunity to be part of the Rotary family -- to visit other clubs in the Seattle area and also out-of-town and international clubs. Not only will this provide the opportunity for fellowship but it will

serve as a source of additional contacts that I will find useful in my profession.

5. For years, Rotary has provided scholarships and international exchanges for both men and women. Additionally, women, including myself, have been guests at Rotary luncheons. I was a speaker at a prior meeting of this Club. In fact, just prior to accepting the invitation to join this Club as a member, I had been invited to be a guest speaker at another Rotary club. The irony of my circumstances underscores the inequity of the policy refusing admission to women.

6. If Rotary International revokes or suspends the charter of the Rotary Club of Seattle - International District, I will suffer irreparable harm because I will be precluded from participating in the activities listed above, will have no status as a Rotarian and will continue to be excluded from Rotary activities. I look forward to being an active and productive member of this club.

This document was signed under the laws of perjury in the State of Washington

and. is being executed subject to the penalties of perjury.

/s/

KATHERINE FLETCHER

Dated: Sept. 15, 1986

Place: 217 Pine St. #1100
Seattle, WA 98101

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROTARY CLUB OF SEATTLE -)	
INTERNATIONAL DISTRICT,)	NO. C86-1475M
et al.,)	
Plaintiffs,)	DECLARATION OF
v.)	JOHN HOUGH
ROTARY INTERNATIONAL,)	
Defendant.)	

JOHN D. HOUGH declares:

1. I have been a member of the Seattle No. 4 Rotary Club ("No. 4 Club") for six years. Although I am not currently serving as an officer of the No. 4 Club, I have been the Program Director in the past. For the past four years I have been the organizer of a series of political debates, hosted by the No. 4 Club, which are designed to focus the public's attention on the key issues of the elections.

2. My membership in the No. 4 Club has been supported by my employers during the six years I have been a member. My employers have paid all my Rotary fees and dues because of the business and professional benefits which I receive as a member of Rotary.

3. The No. 4 Club is a large Rotary chapter which currently has more than 750 members. In addition, I am aware of over

thirty other clubs in the Seattle metropolitan area which I can attend to make up any meetings I miss.

4. The No. 4 Club is recognized as a premier speaker's forum in the Seattle area because of the large number and broad cross-section of business and community leaders which the club's membership represents. For instance, Rotary generally sponsors one or two debates in connection with each election. These may be the most newsworthy events of the club, but we have an extensive array of other speakers throughout the year. Both men and women have spoken before us, representing a wide variety of professions and interests.

5. One recent example of the public political forums provided by Rotary is the October 1986 debate between Brock Adams and Slade Gorton as candidates for the United States from the State of Washington. The debate was advertised by Rotary through normal Rotary channels. The press also advertised it independently, listing it, for instance, in the television section of the local newspapers. The public was not precluded from attending the debate, and in fact, a large number of non-Rotarians did attend. In addition, we accommodated the

overwhelming interest of the press to attend and report on the debate.

6. During my tenure as program director for the No. 4 Club, I arranged the speakers and presentations for our meetings. I attempted to find speakers who would be both interesting and informative to listen to, and did not consider the sex of the speaker when inviting them to appear before us.

7. Nearly 70% of the No. 4 Club recently voted to admit women as members, if the bylaws of Rotary International permitted. The Rotary Constitution and Bylaws presently prevent us from accepting as Rotarians many women who meet all of the other criteria for membership.

I CERTIFY under penalty of perjury under the laws of the United States of America and of the State of Washington that the foregoing is true and correct.

EXECUTED at Seattle, Washington,
on Nov. 4, 1986.

/s/

JOHN D. HOUGH

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROTARY CLUB OF SEATTLE -)	
INTERNATIONAL DISTRICT,)	NO. C86-1475M
et al.,)	
Plaintiffs,)	DECLARATION OF
v.)	JIM JOHNSON
ROTARY INTERNATIONAL,)	
Defendant.)	

JIM JOHNSON declares:

1. Identity: I am President of the Rotary Club of Seattle-International District ("the Club), a Seattle-based organization chartered by Rotary International.

2. Rotary International: Rotary International is a world-wide, nonprofit corporate association of over 22,000 local clubs with over 1 million members in 152 countries. Rotary International is an Illinois corporation and has its headquarters in Evanston, Illinois.

3. The objective of Rotary is "to encourage and foster the ideal of service, and in particular to foster:

"First. The development of acquaintances as an opportunity for service.

Second. High ethical standards in business and professions; the recognition of the worthiness of all useful occupations . . .

Third. The application of the ideal of service by every Rotarian to his personal, business, and community life.

Fourth. The advancement of international understanding, goodwill, and peace through a world fellowship of business and professional men united in the ideal of service."

(Appendix 1, Rotary International Constitution, Article III; emphasis added.) The emphasis of the club centers on community service and the businesses and professions of its members.

4. Rotary International activities are governed by the "4-Way Test" of the things Rotarians "think, say or do":

1. Is it the TRUTH?
2. Is it FAIR to all concerned.
3. Will it build GOODWILL and BETTER FRIENDSHIPS?
4. Will it be BENEFICIAL to all concerned?

The "4-Way Test" is advocated by Rotary as a check for Rotarians' "thoughts, words and deeds" and is described as being "used successfully around the world in business,

government and schools as an effective measuring stick for conduct." (Appendix 2, The 4-Way Test.)

5. When Rotary was founded in 1902, it was recognized that good fellowship would produce increased business for the members. This objective was expressed by Rotary's founder, Paul Harris, in his publication My Road to Rotary:

These early Rotarians helped each other . . . In the main their efforts were directed to keeping each other in business, helping each other to attain success. They patronized each other when it was practical to do so, exerted helpful influence, and gave wise counsel when it was needed.

(Appendix 3, Rotary Basic Library, Vocational Service, Vol. 3 at 7.) This philosophy is still the essence of Rotary today.

6. Rotary International's Policy on Women: Rotary International charters, supervises and controls local clubs. Local clubs are required to adopt a uniform constitution (Appendix 4) and bylaws (Appendix 5) prescribed by Rotary International. (Appendix 1, Articles III and IV.) Both the Constitution of Rotary International and the local constitution restrict membership to men--adult male

persons." (Appendix 1, Article IV; Appendix 4, Article V.) Rotary International, through its Board of Directors and Council on Legislation, refuses to admit women. In March 1986 the California Court of Appeals held that Rotary International and its local clubs in California were prohibited from excluding females from membership. Even after that decision, on May 28, 1986, the Board of Directors of Rotary International released a statement of official policy reaffirming that the Rotary's "Constitutional prohibition against female membership be adhered to by all Rotary clubs, whether in California or elsewhere." (Appendix 6, Statement of Official Policy of Rotary International Regarding Membership by Females.)

7. Rotary Club of Seattle-International District: The Club was formed and chartered by Rotary International in 1984. Initially, by unanimous vote the Club sought to admit women by adding a section to the Standard Club Constitution providing for admission of "all qualified potential members without limitation as to ethnicity or sex." (Appendix 7.) The Club was informed that the charter would not be granted unless Club

membership was restricted to males. The Club then conformed to the Standard Club Constitution, was chartered and has since grown to a diverse membership of approximately 40 men.

8. Open Membership Policy:

a. Membership Procedure. The Club does not have an upper numerical limit on its membership and is actively seeking new members. The membership is neither small nor selective. The Club solicits and recruits dues paying members on a nonselective, open invitation basis. The only requirements are that the member be an "adult male person" of "good character and good business or professional reputation." (Appendix 1, Article IV.) Members must be an owner, manager or supervisor of a business or organization. There is no selection process and the nomination process is open and easy: Club members simply propose a nominee to the Club's Board of Directors. (Appendix 8, Sample Membership Application.) The Board has never disapproved a nominee. Membership turns over constantly; in the short time that we have been a club, there has

been approximately a 15% turnover in membership each year. Average attrition in Rotary clubs is 10%.

b. Business Classification:

Each active Rotary member is classified according to his business or profession. (Appendix 9, List of Business and Professional Classifications.) According to the local Club constitution, the "membership shall consist of but one man from each classification" except in the case of the news media, religion and diplomatic services classification. (Appendix 4, Article V.) The classification system assures a diverse membership and has never been an exclusion to membership; the Club always finds a classification for any prospective member. As we were taught in president's training, "Make the classification fit the man. Don't lose a potentially good member . . . find a classification that will cover his line of endeavor." (Presidents Elect Training Seminar at 10.)

9. Attractions of Membership in the Club: Prospective members are attracted to our Club because they want to serve their communities and because they recognize the value of augmenting their business and professional contacts. Many

members share business opportunities and make business referrals to fellow Rotary members. Our members take their responsibilities seriously and fulfill their obligation to serve on at least one service committee each year and to have a consistent attendance record at meetings. Rotary membership brings prestige, a worldwide network of business, professional and personal contacts and access to the leaders in the community.

The following excerpt from Forbes magazine, March 24, 1986, describes the trend in Rotary memberships, a phenomenon we see in our Club:

The business club . . . is making a strong comeback. Rotary International . . . passed the million-member mark last month A developing middle and up-middle class recognizes a need in their communities for this type of group . . . the ranks are filling up with young professionals who want to tune in to colleagues and communities.

(Appendix 10 includes examples of recent news coverage of Rotary and the admission of women to men's service clubs.)

10. Public Meeting Place: The Club's weekly meetings are held in a public location, the Four Seas Restaurant, in

Seattle. Members, visiting Rotarians, guests, under a liberal guest policy, and even strangers attend the meetings.

11. Activities: Our Club's activities include the following:

a. Association with Rotary International: A variety of goods, privileges and services flow from membership in the Club. These include membership in Rotary International, receipt of the official Rotary magazine and our local club publication, the International Spokesman, and the right to wear and display the Rotary emblem. Additionally, Rotary International sells numerous directories, pamphlets, forms, supplies and publications ranging from publications on vocational service to booklets on leadership and community service. (Appendix 11.) The Club pays license fees and royalties for franchise products to Rotary International and uses those products and the trademark insignia of Rotary in its service activities.

b. Business enhancement: The Club's yearly dues of \$195 include \$75 for three prepaid advertisements in the International Spokesman in which members

commonly advertise their business or professional services. (Appendix 12, International Spokesman.) Additionally, the publication features or "spotlights" individual members, with an emphasis on their professional life and service to the Club. From time to time, members also give "classification talks" which emphasize their occupations and highlight the specifics of their businesses. About 50% percent of the members pay their dues through checks drawn on their business accounts and the common practice for members is to deduct their dues as "reasonable and necessary" business expenses on the incomes taxes.

c. Speakers: The Club invites speakers to its regular meetings in order to inform its members about business and service opportunities in the Puget Sound region. Representative speakers include: John Gilmore, Executive Director, of the Downtown Seattle Association (the "Business Enhancement Plan" for Seattle's downtown area); Kathy Fletcher, Chair, Puget Sound Water Quality Authority (pollution clean-up requirements); Ted Choi, President of the Chinese Nursing Home (need and plans for such a facility); and Diego

Futos, Director of Church and Community Involvement for the Union Gospel Mission (needs of the homeless and hungry).

d. Service: The Club maintains Youth, Vocational Service, International Service, Club Service and Community Service committees. These committees organize Club services such as supporting international exchange students, advising high school students about careers, and aiding the homeless and senior citizens. Currently a project is underway to provide daycare in Seattle's International District. The services are made available to the public and are in no way restricted to Rotarians.

e. Vocational Service: Vocational service is an integral part of the Club's activities and is a service segment mandated by Rotary International. The president's training manual states:

VOCATIONAL SERVICE lies at the heart of Rotary because it is rooted in the classification principle, which distinguishes Rotary from other organizations. Through vocational service, each Rotarian is charged with the obligation to convey the spirit of Rotary to his colleagues in his business or profession and, in return, to represent the ideals of his vocation in the Club.

(Appendix 13, Presidents Elect Training Seminar, Vocational Service at 18-20.) Suggested activities include having trade shows, using a trade association official for programs, organizing a trade fair in cooperation with the Chamber of Commerce, having vocational discussions with students to prevent them from becoming "anti-business" and tapping the resources of retired business executives. Each year the Club prepares a Summary of Club Plans and Objectives, including a segment on vocational service. (Appendix 14.) Our Club's 1986 plans include monthly visits to members' places of business for purposes of fellowship, vocational knowledge and member recognition; admission of professional women to membership; and a vocational exchange with local students.

12. Admission of Women to Club Membership: Since learning of Rotary International's policy barring admission of women, the Club has worked actively to change that policy from within. A Women in Rotary Committee was formed in 1985 and the Club worked aggressively to have this matter decided affirmatively at its district convention (the Club is a member of

District 503) and by the Council on Legislation, Rotary's governing body. At the 1985 District 503 convention, the delegates gave strong support for admission of women. Nonetheless, at the February 1986 meeting of the Council on Legislation, Rotary International rejected for the fifth time a proposal to admit women. At the 1986 District 503 convention, the delegates voted overwhelmingly in favor of admitting women (81-8). While there is now overwhelming support at the district level, Rotary International still refuses to admit women. The Club has explored alternatives and is left with the sad conclusion that legal action is its only alternative at this point in time.

13. On July 31, 1986, the Club met and voted unanimously to admit women to membership. On September 4, 1986, the Board of the Club approved the membership applications of fifteen new members, all of whom are female. On September 13, 1986, the Club forwarded these names to the General Secretary of Rotary International as required by the Club bylaws. (Appendix 15 is a list of the women admitted.)

14. Admission of women to the Club will have a positive impact on the diversity and richness of the Club's membership. The Club has no secret rituals or meetings and has no activities or projects which would be considered embarrassing to women (or to men for that matter). The objectives of Rotary International are sex neutral. (Appendix 1, Article III.) Moreover, Rotary's public esteem will be enhanced by admission of women. Within the Rotary family, numerous clubs have endorsed the concept of admitting women. In Seattle, for example, Seattle's largest Rotary Club voted in favor of admitting women, although that club has taken no specific action to admit women.

15. Women have indirectly been part of the Rotary family for many years without any negative impact on the male members. Business and community leaders, including women, are invited to speak at weekly meetings. For example, Kathy Fletcher, Delores Sibonga, Virginia Galle, Kathy Wong and Ruthe Ridder have spoken to the Club. Women are invited to attend Rotary meetings as guests. Both the high school (Interact) and college (Roteract) service clubs sponsored by Rotary include

women in their memberships. And Rotary International provides scholarships and international exchange opportunities to girls and women.

16. Harm From Loss of Membership and Charter: The Constitution of Rotary International requires all clubs to "ratify and agree" to be "bound in all things, not contrary to law, by [the] Constitution and the By-Laws of Rotary International." (Appendix 1, Article IV.) Our Club believes that the exclusion of women is, in fact, contrary to federal and state law and violates the constitutional rights of free association of our members. Based upon the experience of the Rotary Club of Duarte, California and Rotary International's strong reaffirmation of its policy against admitting women, we reasonably believe that our Club's admission of women will result in attempted revocation of the Club's charter. The Club and its members depend on the Club's good standing as a chartered club of Rotary International. This action will result in irreparable harm, not compensable by money, to the Club, its members and prospective female and male members.

17. The irreparable harm and loss includes the following:

a. Loss of the official status as a Rotary Club;

b. Loss of opportunity for solicitation and initiation of new members and continued growth as a Rotary Club;

c. Loss of the ability to use the Rotary Club symbol, name, insignia and other identification with Rotary International.

d. Service activities, such as sponsoring an exchange student, providing daycare services or contributing to Rotary International's efforts to eradicate polio, all of which require fund raising, depend on the ability to use the Rotary name, insignia and materials in promoting among its members the good works that the Club wishes to undertake. The Club could not use the Rotary name for fund raising for service activities, an association which is clearly beneficial; community service projects could not be carried in the name of Rotary and this lack of sponsorship may result in termination of some projects;

e. The Club obtains umbrella insurance coverage, including directors

and officers liability insurance, through Rotary International. Such insurance is virtually impossible to obtain in this tight insurance market without the sponsorship of a group plan such as Rotary International. Good business practice dictates that the club maintain the insurance and loss of the charter would preclude this;

f. The Club could not participate in the International Vocational Exchange, a program to send non-Rotarian young professionals abroad and the Club could not accept an international exchange student sponsored by Rotary;

g. The Club would lose revenue from and fellowship benefits of visiting Rotarians; since attendance at 60% of the meetings is mandatory, these "make-up" visits by members of other clubs are an important aspect of Rotary;

h. Members would be deprived of the Rotary fellowship, would be excluded from visiting other local and international Rotary clubs, and would be deprived of the opportunity for personal growth and reward in the areas of leadership and business within the Rotary Club itself and the business community;

i. Members would lose the recognition and use of the Rotary pin and the Rotary symbols and insignia and all of the benefits of Rotary described above;

j. Members would lose the benefit of a valuable, worldwide network of professional and business contacts;

k. Members would be deprived of their constitutional right of association and the opportunity to share business and professional matters with female Rotarians.

This document is signed under the laws of perjury of the State of Washington and is being executed subject to the penalties of perjury.

/s/

Jim Johnson

Dated: 9/15/96

Place: Seattle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROTARY CLUB OF SEATTLE -)	
INTERNATIONAL DISTRICT,)	NO. C86-1475M
et al.,)	
Plaintiffs,)	DECLARATION OF
v.)	CAPTAIN JAMES
ROTARY INTERNATIONAL,)	L. LANSBERY
Defendant.)	

CAPTAIN JAMES L. LANSBERY declares:

1. I am the Training Director for the Department of Public Safety and the Commander of the Public Safety Training Academy for the State of Alaska.

2. I have been a member of Rotary for approximately two years, and am currently the President of the Rotary Club, Sitka, Alaska. The Sitka Club has about forty-three members.

3. Our club actively recruits new members. Current members suggest possible new members from their business and personal contacts whom they believe would benefit our club and be benefited by membership in Rotary. These people are then invited to attend several meetings. If we feel they would meet the criteria for membership in Rotary we then decide if they should formally be asked to apply.

4. We have never refused membership to anyone because a professional classification has already been filled. We have been very imaginative in assigning or creating new classifications if necessary to be able to admit new members. For example, several of our members are attorneys, but we have placed them in different categories.

5. The Sitka Club was one of the first clubs in Rotary District 503 to actively seek changes in the Rotary Constitution and Bylaws to permit admission of women as members of the Rotary Organization. Prior to the last full Rotary Legislative Council, the Sitka Club was one of about twenty-three clubs to sponsor a rule change which would have permitted the admission of women. As soon as the change was voted down by the Council, the Sitka Club voted down by the Council, the Sitka Club voted to resubmit a similar measure to the District Convention. Instead of being sponsored by just our club, we agreed to share sponsorship of the measure with the District as a whole. All but three clubs in the District voted in favor of the proposal.

6. If permitted by the Rotary Constitution and Bylaws, Sitka Club would certainly admit women as members. The admission of women could only benefit the club. There is no question but that the overwhelming preference of the members of the Sitka Club and the preference of the great majority of the Rotary Clubs at least in this District, is to associate freely with women as full and equal members of Rotary. The only reason the Sitka Club has not yet admitted women as members is Rotary International's strict enforcement of the male-only membership policy and because of the Club's concerns about the injury we would suffer to our ability to function as a Club if we were to lose our Rotary charter.

7. Women often speak before the Sitka Club and other Rotary Clubs. Approximately one-third of the speakers at the Sitka Club are women. We will invite anyone to speak who is involved in an area we are interested in, regardless of the gender of the speaker. We also have women come to our meetings as guests.

8. It is my genuine hope that Rotary International will change its Constitution and Bylaws to permit women to become

Rotarians. The women themselves would clearly benefit from membership in Rotary and the inclusion of women would benefit our club and the organization as a whole.

I CERTIFY under penalty of perjury under the laws of the United States of America and of the States of Alaska and Washington that the foregoing is true and correct.

EXECUTED in Sitka, Alaska, on Oct. 31, 1986.

/s/

CAPTAIN JAMES L. LANSBERY

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

Certification/Notarization

This certifies that on this 31st day of October, 1986, personally appeared before me James Lansbery, to me known, and under oath administered by me he signed the foregoing declaration, declaring it to be true and correct as he verily believes, and that he was signing the declaration for the uses and purposes set forth therein, and as his free and voluntary act and deed.

/s/ Donald L. Craddus
Notary Public for Alaska
My Commission expires:
Oct. 13, 1988

3337H

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROTARY CLUB OF SEATTLE -)	
INTERNATIONAL DISTRICT,)	NO. C86-1475M
et al.,)	
Plaintiffs,)	DECLARATION OF
v.)	CAROL SMITH
ROTARY INTERNATIONAL,)	
Defendant.)	

CAROL SMITH declares:

1. I am a long-time resident of Seattle. I am currently semi-retired after the recent sale of my business, Kennell Ellis Photography ("Kennell Ellis"). I became president of Kennell Ellis in 1971, after having worked in the company for eleven years in a variety of capacities.

2. In addition to my professional experience, I am a long-time civic activist in this community. I have been a board member of the Chamber of Commerce and an officer of the Chamber. I am on the board of Leadership Tomorrow, a group which each year identifies fifty outstanding young business people and offers them leadership training opportunities. I serve on the advisory board of the Boy Scouts of America, Chief Seattle Council.

3. In 1980, I was given an award for "Outstanding Contributions" to small business by the City of Seattle. That award was presented to me at a meeting of the Seattle No. 4 Rotary Club ("No. 4 Club").

4. Before his death in 1971, my husband, Ed Kennell, was owner of Kennell Ellis. The business had nine separate studios and employed six or seven photographers. I worked in the business in a number of capacities, including bookkeeper, secretary and salesperson. After's Ed's death, I inherited the business and became its president.

5. Ed joined the No. 4 Club in 1960. At that time he was given the professional classification of photographer. Prior to his death, Ed's father had been assigned the photographer classification in the No. 4 Club. Because Ed and his father before him were members of Rotary, the photography needs of the No. 4 Club were referred to Kennell Ellis.

6. The No. 4 Club has a yearbook which includes all the members' pictures. New members were routinely referred to Kennell Ellis to have these pictures taken and one of our photographers would take

the portrait. Often additional personal business resulted from these sittings.

7. Many Rotarians are prominent in the business community. In addition to the yearbook photography business, Kennell Ellis photographers were often asked to take other business and promotional photographs for fellow Rotarians. This business was a significant asset to Kennell Ellis.

8. When Ed died in 1971, the the professional classification of photographer in the No. 4 Club was filled by someone else. Immediately thereafter, Kennell Ellis stopped receiving the business of Rotary yearbook clients. Since, in addition to the new members' photographs, older members were periodically rephotographed to update the yearbook, Kennell Ellis effectively lost a total of 400 customers, the size of the No. 4 Club at the time. In addition, Kennell Ellis lost all the additional personal and professional photographic requests which resulted from these membership portraits.

9. During the time Ed was a Rotarian, I also relied on Rotary to provide a peer group for obtaining business and professional advice. The advice I got from

fellow Rotarians helped me to better manage my responsibilities at Kennell Ellis. For instance, often the business and professional expertise many Rotarians have developed provided me with shortcuts to solve difficult business problems, allowing me to manage the business more effectively and economically. The contacts with this peer group and the business advice ceased when Ed was no longer a member of Rotary.

10. Even though I continued to own and operate Kennell Ellis after Ed's death, I was not able to join Rotary simply because I am a woman. I had made a number of business and professional contacts during my association with Rotary while Ed was a member. I would have joined the organization after Ed's death if Rotary's male-only membership policy had not precluded me from doing so.

11. I have read the affidavit of Philip H. Lindsey which has been submitted to the Court in the present case. Specifically, I read paragraphs 10, 11 and 12 in which Mr. Lindsey states that the primary purpose of Rotary is to encourage fellowship and that it is Rotary's policy to discourage members from obtaining business

advantages from their Rotary membership. Although this may represent "official" Rotary policy on paper, I know from personal experience that, in fact, significant business and professional benefits flow directly from Rotary membership. Moreover, despite the purported "policy" Mr. Lindsey refers to, Rotarians individually and as a group do consciously and deliberately direct patronage to businesses owned by Rotary members. Kennell Ellis received significant benefits for more than ten years while my husband Ed was a member of the No. 4 Club. Those benefits ceased upon his death when I, as a woman, was considered ineligible to join Rotary.

I certify under penalty of perjury under the laws of the United States of America and of the State of Washington that the foregoing is true and correct.

EXECUTED at Seattle, Washington,
on Nov. 3, 1986.

/s/

CAROL SMITH

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROTARY CLUB OF SEATTLE -)
INTERNATIONAL DISTRICT,) NO. C86-1475M
et al.,)
Plaintiffs,) DECLARATION OF
v.) BARBARA
ROTARY INTERNATIONAL,) VANDERKOLK
Defendant.)

BARBARA VANDERKOLK declares:

1. I am the president of Barbara Vanderkolk & Associates, Inc., a management consultation and training firm located in Seattle, Washington.

2. On September 4, 1986 I was admitted to membership in the Rotary Club of Seattle - International District. I will pay my club dues through my business account and will deduct them as a "reasonable and necessary" business expense on my tax return.

3. I joined Rotary "both to give and to get." I look forward to the opportunity to give ideas, talents, professional contacts and business expertise to my fellow Rotarians. Likewise, I anticipate receiving the same in return. I expect that Rotary membership will have a direct benefit to me as a business owner. It provides an opportunity to meet new people

and to learn about their businesses and professions, information which will aid me in consulting for other businesses.

4. The Rotary Club in Seattle occupies a special place among civic organizations and is well recognized as being a place where the "movers and shakers" of Seattle meet to foster business and civic relationships. I joined Rotary as opposed to another service club because it has the largest cross-section of members and because it is based upon a business and professional orientation rather than a pure service orientation. Its prestige is directly related to the membership it has attracted.

5. I have been very active in business and community organizations and see the opportunity to join Rotary as a continuation of this commitment. For example, I am on the Board of Directors and Vice President of Women + Business Inc., on the Board of Directors of the Women's Business Center, a charter member of City Club, Chair of the Visiting Committee, University of Washington, Department of Psychology, past State Chair of the Women's Political Caucus, and a member of the

1985-86 Leadership Tomorrow class sponsored by the Chamber of Commerce and the United Way.

6. I have been invited and in fact have spoken to Rotary clubs on one occasion. It is an inexplicable anomaly and inequitable that Rotary has found my presence as a speaker to be beneficial to its members and yet, despite a request by me some ten years ago, has refused to permit women as members. As more and more women enter the work force and attain significant positions in business and the professions, it is all the more important for them to be part of and have access to organizations such as Rotary International.

This document was signed under the laws of perjury in the State of Washington and is being executed subject to the penalties of perjury.

Dated: 9/15/86 /s/
BARBARA VANDERKOLK

Place: Seattle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROTARY CLUB OF SEATTLE -)	
INTERNATIONAL DISTRICT,	)	NO. C86-1475M
et al.,)	
	)	AMICUS CURIAE
Plaintiffs,	)	BRIEF OF WASH-
	)	INGTON STATE
v.	)	HUMAN RIGHTS
	)	COMMISSION AND
ROTARY INTERNATIONAL,	)	ATTORNEY
	)	GENERAL
Defendant.	)	OF WASHINGTON
	)	STATE

I. STATEMENT OF THE CASE

A. Nature of the Case

Rotary Club of Seattle -- International District voted on September 4, 1986, to admit women as members contrary to Rotary International's membership policy which excludes women. The local club brought this action to have the International's male-only membership policy declared invalid under the public accommodation sections of the Washington State law against discrimination, Ch. 49.60 RCW, and to enjoin the International from revoking the local club's charter for having admitted women members.

B. Interest of these Amici

The Washington State Human Rights Commission is the agency charged with

enforcing the unfair practice provisions of Ch. 49.60 RCW, including discrimination based on sex in places of public accommodation. The Attorney General is the legal representative of the WSHRC and advises it on matters of interpretation and application of the law against discrimination.

C. Facts and Historical Analysis
Pertinent to this Amicus Brief

1. Rotary International: The founders of Rotary International envisioned a club of business and professional men who would meet for both social and business reasons.

" . . . [E]ach member would have an obligation, wherever possible, to put business the way of a fellow-member rather than direct it to an outsider."

DAVID S. NICHOLL, THE GOLDEN WHEEL: THE STORY OF ROTARY 1905 TO THE PRESENT (United Kingdom 1984), p. 34. The organization grew both in numbers and prestige until today it has over 1 million members in 152 countries. Ibid, at p. 269; and Declaration of Jim Johnson, at p. 2. Although Rotary International has a headquarters building in Evanston, Illinois (Johnson Declaration p. 2), its local

clubs meet in a variety of locations accessible to and serving the public. As Rotary's historian, David S. Nicholl, observes:

"In the great capitals of the world members meet and eat once every week in famous hotels or restaurants. Elsewhere, according to size and locality, they meet in inns and pubs and hired halls or rented dining-rooms. Most come for the fellowship and few come for the food. The plaque with the golden wheel can be seen outside hotels and inns and halls in almost every country in the world, apart from nations under Communist rule, within whose borders the absence of the golden wheel is a decision of the rulers not of Rotary, for wherever Rotary is wanted, there it will go, and wherever the sign of the golden wheel is shown, there any Rotarian, of whatever race, creed or country, is welcomed with constant and genuine delight."

Nicholl, op.cit. pp. 475-476. Rotary's membership qualifications are aimed at leaders and high achievers in business and professions, but it does not include women. Constitution of Rotary International, Article IV, Sec. 3; Appendix 1, Declaration of Jim Johnson.

2. Participation of Women in Business and Professions: Women in America

were not expected to be leaders or high achievers in business and professions at the time Rotary was founded. A perceptive historian on the status of women in America, Barbara J. Harris, observed:

"When American women first demanded equal access to the professions, well over a century ago, they confronted two widely held social prejudices. One was the belief that females were intellectually inferior to males and, therefore, rightfully kept in a subordinate position. They were excluded from the professions because they were unfit for any vocation that relied predominantly on mental abilities or on the capacity to make decisions and direct others. The second prejudice held that respectable women should not work outside the home, an idea central the Victorian cult of domesticity.

BARBARA J. HARRIS, BEYOND HER SPHERE: WOMEN AND THE PROFESSIONS IN AMERICAN HISTORY (Greenwood Press, Conn. 1978), at p. 3. Professor Harris further pointed out that this domestic definition of the role of women continued to permeate American social ideology well into the current century. Ibid, at p. 32. Even with the passage of the 19th Amendment, the opportunities for women in the professions

(other than teaching and nursing) did not improve. In 1930,

"The percentage of female lawyers and architects remained stable at 3 percent. In the whole country there were only 60 female CPA's and 151 dentists. . . . The percentage of women doctors declined from 6 percent in 1910 to 5 percent in 1920 and 4.4 percent in 1930. . . . There was a 5 percent quota on female admissions to medical schools from 1925 to 1945."

Harris, op.cit., p. 138.

During the depression of the 1930's the situation of women in business and professions became worse:

"Under the impact of the depression, hostility to female employment reached new levels of intensity. There was virtually unanimous opinion that women should not compete for scarce jobs with men who had families to support. Implicit in this view was the assumption that females did not have families to support and therefore had less right to employment than men."

Harris, op.cit., pp. 141-142.

Attitudes towards working women changed during World War II because labor was then in short supply:

"Almost 7 million women entered the labor force for the first time; the proportion of

working women rose from one-fourth to one-third. More females were employed outside the home than at any previous time in American history."

Harris, op. cit., p. 144. These increases in numbers did not, however, translate into economic equality for women:

"They rarely received the same salaries as men who had held the positions before them. Business-women often complained that they were expected to remain as trainees instead of moving into the ranks of management. Whatever the progress, the real question was whether the change would be permanent. Would the experience of seeing females succeed in positions that they had never filled before break down traditional attitudes about their abilities and the jobs best suited for them?"

Harris, op.cit., p. 145.

A Harvard Business Review study done in 1965 and repeated in 1985, indicates that a significant shift did occur in the attitudes of men toward women executives during the last 20 years. In 1965, 9 percent of the men surveyed had "'strongly favorable'" attitudes toward women executives. Seattle Times/Post-Intelligencer, Oct. 26, 1986, p. K-2. When this study was repeated in 1985, 33 percent held

strongly favorable attitudes toward women executives. Furthermore, "The proportion of men who thought women were 'temperamentally unfit for management' declined from 51 percent to 18 percent." Ibid. In the last 10 years of the period surveyed, 1975-1985, the number of women managers and administrators more than doubled, reaching 4.4 million, or 36 percent of the total, in 1985. In addition,

"A third of Wall Street's younger professionals are female, so are half the people in corporate training programs. Last year, one-third of business school graduates were women. An estimated one percent of senior executives are women."

Seattle Times/Post Intelligencer, Oct. 26, 1986, pp. K-1 and K-2.

Despite these dramatic changes in the participation of women in business management and the professions, women are still excluded from the informal networks of shared ideas, experiences, and decision-making that male executives and professionals enjoy in organizations such as Rotary International. The following example is drawn in particular from academia, but it is generally applicable throughout

the higher levels of business management and the professions:

"Because women are excluded from male networks, or the 'informal brotherhood' in which experiences are exchanged, competence built up, and the formal code elaborated,' [cit.omit.], they are not only marginal but invisible when important professional decisions such as selection for promotion, tenure, research grants, co-editorships, summer teaching, and departmental privileges are considered [cit.omit.]. If women are denied access to established male networks (even if they have formed their own), they most likely will remain outside the power centers of their professions. Moreover, if women and men operate in different arenas, gender-role stereotypes will stand unchallenged."

DEBRA R. KAUFMAN AND BARBARA L. RICHARDSON, ACHIEVEMENT AND WOMEN: CHALLENGING THE ASSUMPTIONS (Free Press, MacMillan Publishing Company, New York 1982), p. 103.

II. ARGUMENT

A. Gender Based Discrimination is Identified as a State Problem.

1. Passage of the State Equal Rights Amendment:

On November 7, 1972, an amendment to the Washington State Constitution was approved declaring that: "Equality of

rights and responsibility under the law shall not be denied or abridged on account of sex." Amendment 61, Article XXXI, § 1. The legislature was authorized to enforce the provisions of this article by appropriate legislation. Ibid., § 2.

2. Legislation: In 1973 the legislature amended the state law against discrimination to include the right to be free from gender based discrimination in employment, places of public accommodation, real estate, credit and insurance transactions. Laws of 1973, ch. 141, § 3. In 1985, the state human rights commission was given authority to process complaints of sex discrimination in places of public accommodation, and the statutory phrase "full enjoyment of" was defined to include,

"[T]he right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons of any particular . . . sex . . . to be treated as not welcome, accepted, desired, or solicited."

Laws of 1985, Ch. 203, § § 1 and 2. It is apparent that the state legislature found gender based discrimination to be a serious detriment to the general well being of the people of this state. It is also apparent that a public policy was adopted prohibiting gender based discrimination over a broad range of commercial and economic activity.

B. Definition of "Any Place of Public Resort, Accommodation, Assemblage, or Amusement"

1. Statutory Definition: RCW 49.60.040 defines the phrase "Any place of public resort, accommodation, assemblage, or amusement" to include (but not be limited to):

"[A]ny place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, . . . or where food or beverages of any kind are sold for consumption on the premises, . . . Provided, That nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; . . ."

As already noted above, Rotary clubs meet weekly in places of public accommodation, such as hotels, restaurants, hired halls and dining rooms. Nicoll, op.cit., p. 475. Whether or not Rotary is itself within the scope of this definition, its choice of meeting places is covered by the public accommodations sections of the law against discrimination.

2. Statutory Exemption:

If Rotary International is to successfully claim to be covered by the exemption in this definition for private clubs, it must establish that it has the characteristics of organizations which are by their nature distinctly private. What characteristics are shared in common by bona fide clubs, or places of accommodation, including fraternal organizations, which are by their nature "distinctly private"?

(a) Private Clubs are Relatively Small, Highly Selective, Intimate Groups Which Maintain Seclusion from Others: The U.S. Supreme Court dealt with the scope of constitutional protection for freedom of association in the context of a state (Minnesota) public accommodations law as it was applied to an organization which refused to admit women (U.S. Jaycees) in

Roberts v. U.S. Jaycees, 468 U.S. 609, 82 L.Ed.2d 462, 104 S.Ct. 3244 (1984). The Court held that the Jaycees lack those distinctive characteristics which would afford constitutional protection to its decision to exclude women. The Court did not attempt to identify every characteristic which might invoke the freedom of association protection, but those which were identified offer guidance in defining what kinds of groups ought to be considered "distinctly private" and therefore exempt from Washington State's public accommodations law:

"The personal affiliations that exemplify these considerations, and that therefore suggest some relevant limitations on the relationships that might be entitled to this sort of constitutional protection, are those that attend the creation and sustenance of a family -- . . . Family relationships, by their nature, involve deep attachments and commitments to the necessarily few other individuals with whom one shares not only a special community of thoughts, experiences, and beliefs but also distinctively personal aspects of one's life. Among other things, therefore, they are distinguished by such attributes as relative smallness, a high degree of selectivity in decisions to begin and maintain

the affiliation, and seclusion from others in critical aspects of the relationship. As a general matter, only relationships with these sorts of qualities are likely to reflect the considerations that have led to an understanding of freedom of association as an intrinsic element of personal liberty. Conversely, an association lacking these qualities -- such as a large business enterprise -- seems remote from the concerns giving rise to this constitutional protection. . . ." (Emphasis added)

82 L.Ed.2d 462, at 472-473.

Rotary International does not reflect these characteristics. It is an Illinois corporation with over a million members located in 152 countries. It has approximately 22 thousand local clubs some of which may be relatively small in size, but they are not highly selective in their membership procedures. Declaration of Jim Johnson, at pp. 1, 4, and 5 (paragraph 8). Their membership criteria are selective only in the sense that they look for high achievers (owners, managers, and professional people with a good reputation). They have a membership turnover of approximately 15 percent each year, and the local Club's Board of Directors has never

disapproved a member's nominee for membership. Declaration of Jim Johnson, at p. 5. They do not seek seclusion from others, in fact, they join in order to serve their communities and increase their business and professional contacts. Ibid, pp. 5 and 6.

(b) Private Club Activities Are Conducted in Buildings or Facilities Open Only To Members and Their Guests: A significant characteristic of fraternal organizations and other clubs which are characterized by their distinctively private nature is an exclusive meeting place, sometimes a single building but at other times a larger facility, such as a golf or country club.¹ The U.S. Supreme Court took special note of this characteristic in determining that a Moose Lodge was a private club in Moose Lodge No. 17 v. Irvis, 407 U.S. 163, 32 L.Ed.2d 627, 92 S.Ct. 1965 (1972):

¹ In McFadden v. Elma Country Club, 26 Wn.App. 195, 613 P.2d 146 (1980), a Washington State Court of Appeals recognized that the country club was private but held that the private club exemption in RCW 49.60.040 did not apply to a real estate transaction.

"Moose Lodge is a private club in the ordinary meaning of that term. It is a local chapter of a national fraternal organization having well-defined requirements for membership. It conducts all of its activities in a building that is owned by it. It is not publicly funded. Only members and guests are permitted in any lodge of the order; one may become a guest only by invitation of a member or upon invitation of the house committee."

407 U.S. 163, at 171, 32 L.Ed.2d 627, at 636. A private club which has its own building, or other facility, where it can control admission and limit guests is in quite a different situation from a service club, such as Rotary, which meets in hotels, restaurants, and other places of public accommodation. Privacy, in the sense of intimacy and seclusion, is simply not possible in public places even though a particular room may temporarily be set aside for club meetings and luncheons. Those places which host Rotary meetings advertise this fact to the public by displaying the Rotary emblem in front. Nicholl, op.cit., p. 475.

(c) An Organization Which Offers Substantial Commercial/Economic Benefits Is Not Truly Private: The scope of the state

law against discrimination and its exemptions must be understood in light of its purposes. RCW 49.60.020. Its purpose with respect to places of public accommodation is to promote "full enjoyment of" the economic benefits these have to offer without regard to gender. RCW 49.60.030(1)(b). Commercial/economic benefits are intended to be covered by the law against discrimination in order that protected class persons, such as women, will not be deprived of these benefits because of their race, gender, etc. The U.S. Supreme Court made this observation in commenting upon the Minnesota public accommodations statute:

"A state enjoys broad authority to create rights of public access on behalf of its citizens. [cit.omit.] Like many states and municipalities, Minnesota has adopted a functional definition of public accommodations that reaches various forms of public, quasi-commercial conduct. [cit.omit.] This expansive definition reflects a recognition of the changing nature of the American economy and of the importance, both to the individual and to society, of removing the barriers to economic advancement and political and social integration that have historically plagued certain disadvantaged groups, including women.

[cit.omit.] Thus, in explaining its conclusion that the Haycees local chapters are 'place[s] of public accommodations' within the meaning of the Act, the Minnesota court noted the various commercial programs and benefits offered to members and stated that, '[l]eadership skills are'' goods,' '[and] business contacts and employment promotions are ''privileges'' and ''advantages'' '[cit.omit.] Assuring women equal access to such goods, privileges, and advantages clearly furthers compelling state interests."

82 L.Ed.2d 462, at 476-477.

The case at bar differs from Roberts v. U.S. Jaycees in two respects: (1) The Jaycees are a different organization from Rotary International offering somewhat different economic benefits; and (2) the Minnesota statute did not contain a private club exemption like that contained in RCW 49.60.040. The purposes of the Minnesota and Washington public accommodations statutes, however, are the same, and their scope should be determined in light of that purpose. The exemption in RCW 49.60.040 should not be interpreted so broadly as to undermine the purpose of providing equal access to economic benefits to both men and women.

3. Commercial/Economic Benefits of Rotary Membership Should Not be Denied to Women on the Basis of Gender

Since its inception, Rotary has been perceived as affording its members "both the regular pleasure of one another's company (in a social sense) and the regular advantages of one another's company (in a profitable sense)." Nicholl, op.cit., p. 34. Its founders decreed that no two members of a local club would have the same occupation so that there would be no competition among them. "On the other hand each member would have an obligation, wherever possible, to put business the way of a fellow-member rather than direct it to an outsider." Ibid. Today, the same commercial and economic interests continue to motivate new members to join:

"Prospective members are attracted to our Club because they want to serve their communities and because they recognize the value of augmenting their business and professional contacts. Many members share business opportunities and make business referrals to fellow Rotary members."

Declaration of Jim Johnson, pp. 5-6, paragraph 9.

A California Court of Appeals concluded that Rotary International is a business establishment within the meaning of the Unruh Civil Rights Act (Cal.Civ. Code § 51), which establishes a right to "full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever." Rotary Club of Duarte v. Board of Directors, 224 Cal.Rptr. 213, at 216 (note 1); (according to the November 4, 1986 issue of the Seattle Post Intelligencer, at p. A-3, the U.S. Supreme Court has decided to review this California decision). This conclusion was based upon the substantial business benefits to be gained by belonging to Rotary. 224 Cal. Rptr. 213, at 224. The California court noted that:

"By limiting membership in local clubs to business and professional leaders in the community, International has in effect provided a forum which encourages business relations to grow and which enhances the commercial advantages of its members."

224 Cal. Rptr. 213, at 226. Although it does not contain a private club exemption like that in RCW 49.60.040, the Unruh Civil Rights Act has been interpreted as

not governing "'relationships which are truly private.'" Ibid. Those truly private relationships are "'continuous, personal, and social,'" and "'take place more or less outside public view.'" 224 Cal. Rptr. 213, at 226. The California court found with respect to Rotary that it is not, because of these commercial opportunities, a truly private organization. 224 Cal.Rptr. 213, at 227.

"Fraternal organizations" are those which are formed for mutual aid and benefit, but not for profit. BLACK'S LAW DICTIONARY, 5th Edition (1979), p. 594. Whether or not Rotary qualifies as a "fraternal organization" in the broadest sense of that term, it does not meet the test of being "by its nature distinctly private," as required by the private club exemption in RCW 49.60.040. The proviso exempts,

"[A]ny institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, . . ."

Because the term "fraternal organizations" follows "including", which in turn amplifies the meaning of the preceding phrase ending with the adjective "distinctly private," it must be understood to mean that

only "fraternal organizations" which are by their nature "distinctly private" are exempt from the public accommodations sections of the law against discrimination. The statutory definition of "Any place of public resort, accommodation, assemblage, or amusement" is intended to include bona fide clubs and fraternal organizations which are not by their nature "distinctly private." If this were not the case the purposes of the law could be thwarted by making every business association which wished to practice gender-based discrimination into a club or fraternal organization.

C. Conclusion of Argument

American women have made significant gains in achieving positions of leadership and responsibility in business management and the professions, especially within the last 20 years. It is both deplorable and ironic that a world-wide organization which was founded in United States over 80 years ago to provide an opportunity for leaders in the business and professional communities to work together for community betterment, as well as their own personal gain, has not seen fit to recognize their own potential importance in opening up

opportunities for full participation of women in the economic life of the communities they seek to serve. By excluding women from membership, Rotary International has caused: 1. Loss of opportunity for business and professional women to make personal contacts that would enhance their status and income; 2. Loss of the advantage of an informal network of contacts with business and professional leaders who have considerable knowledge and experience to share; 3. Loss of recognition for achievement in one's business or profession which membership in Rotary reflects, but which Rotary International denies to women regardless of their level of achievement.

The Washington State law against discrimination is intended to provide equality of access to economic and commercial benefits and prohibit discrimination in this regard based upon gender. The law is not intended to interfere with the choice of members in clubs which are by their nature distinctly private. Rotary International, however, does not exhibit the characteristics of a truly private club, and therefore it should be subject to the public accommodations provisions of

state law against discrimination, Chapter
49.60 RCW.

Respectfully submitted this 10th day
of November, 1986.

KENNETH O. EIKENBERRY
Attorney General

/s/

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ROTARY INTERNATIONAL
John A. Henry
Governor, District 503
1986-1987
P.O. Box 7026
Seattle, WA 98133
206/542-3138

October 2, 1986.

M.A.T. Caparas, President
Rotary International
1600 Ridge Avenue
Evanston, Illinois 60201

Dear Mr. President:

I resisted the urge to write you following my return to Seattle from visiting the Alaska/Yukon Territory clubs because I am obviously aware of the press of massive correspondence. In view of the fact that I have now been served as the District Governor in a lawsuit requiring Rotary International's appearance and defense in the United States District Court here in Seattle for October 3, 1986, it causes me to put aside my reluctance to bother you.

Throughout my trip to the clubs in Alaska, I was met almost inevitably by questions regarding the Duarte case and, ultimately, a question about what can be done to resolve this issue. Most Alaska clubs and

most of the smaller clubs in King County are strongly in favor of the admission of women, with national option. No one that I have talked to has any interest in forcing countries to follow suit. I recently discussed this issue in some length with Past District Governor Bob Ladd who was our representative at the recent Council on Legislation. Bob was extremely disappointed that he was not allowed to speak in favor of the admission of women, but was cut off by a stampede to terminate debate. He tells me that a French delegate was able to stampede the council by his remarks. Bob also said that these are the same remarks that the same man delivered three years before. I was also told by Bob that every international president since James Bomar has, to one degree or another, been in favor of the admission of women. This rather surprised me and at the same time gave me some serious concerns. If that has been the case, then it has certainly been kept under wraps by your predecessors. I know your position and feel that if your predecessors had spoken as eloquently or as strongly as you have in the past on this issue, that this would be behind us. We are now faced with

a serious problem of being publicly dragged into the 20th century. This creates an impression in this country that is contrary to the feeling of most American Rotarians. Our district conferences, which were held in Anchorage in May, voted after reasoned debate and discussion 8 to 1 to admit women on the local option basis. That means that about 47 clubs voted in favor and 6 or 7 against. We're going to have to resolve this problem quickly and it requires innovative thinking on your part and the director's part. Perhaps the solution lies in the current lawsuit pending here in Seattle. The Board can vote to direct Rotary International's counsel to enter into an agreed order restraining Rotary International from lifting International Rotary Club of Seattle's charter. This would then be

announced as an order that Rotary International would consider binding upon itself in the United States. It's only a thought.

* * *

Sincerely,

/s/

JOHN A. HENRY

JAH:jh

ROTARY INTERNATIONAL
DISTRICT 503 CONFERENCE
May 15-18, 1986

District Resolution 86-8

WHEREAS, the international Rotary movement has traditionally attracted to its membership the leading members of the business community in each locale where the movement is active; and

WHEREAS, profound economic and social changes in the United States and elsewhere have over the past twenty years significantly altered the former predominantly male complexion of the vast majority of business communities where Rotary is active; and

WHEREAS, the Rotary movement needs to attract the most talented, motivated and influential business people to its ranks to insure that Rotary does effectively meet its goals of community, vocational and international service;

NOW, THEREFORE, BE IT RESOLVED Rotary International amend its Constitution and

By-Laws to allow women members on a club basis.

Motion made, seconded and passed.

May 17, 1986, Anchorage, Alaska, U.S.A.

/s/

Edgar S. Philleo, Chairman
1986 District 503 Conference
Resolution Committee

/s/

Roy W. Kennelly, District 503
Secretary, 1985-86

/s/

William R. Wood, District
Governor, 1985-86, District
503, Rotary International

SITKA ROTARY CLUB
P.O. Box 1967
Sitka, Alaska 99835

Resolution of the Members of
Sitka Rotary Club Regarding the
Admittance of Women into Rotary

Whereas Sitka Rotary Club was one of
twenty-three clubs sponsoring a change in
the constitution and bylaws to allow the
admission of women into Rotary,

and

Whereas the 1986 Council on Legislation
rejected such change,

and

Whereas Sitka Rotary Club voted to re-
submit this issue to the next Council on
Legislation,

and

Whereas District 503 voted overwhelmingly
at its 1986 district convention to sponsor
the Sitka Rotary Club's proposed change in
the constitution and bylaws that would
allow women to join Rotary,

and

Whereas the Court found in the Duarte de-
cision that the prohibition of women vio-
lated California law,

and

Whereas we believe it is self-evident that
the prohibition of women does not indeed

meet Rotary's own four way test as was pointed out in the Duarte decision,

and

Whereas Sitka Rotary Club wholeheartedly supports Seattle International Club's efforts to obtain a similar court decision in Washington,

and

Whereas it is the consensus that Alaska's public accommodation laws would not support a successful legal challenge against the prohibition of women in Rotary,

and

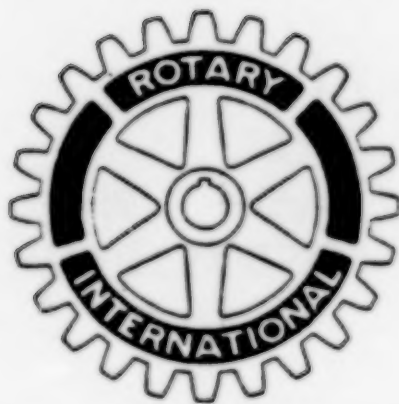
Whereas Sitka Rotary Club has neither the desire to lose its charter nor the resources to defend against such action by Rotary International,

Therefore,

Be it resolved that Sitka Rotary Club will support all legal challenges, both internal and external, to the prohibition of women in Rotary until this inconsistent position has been changed.

/s/

James L. Lansberry, President
Sitka Rotary Club



WHAT'S IN IT FOR ME

**ROTARY CLUB OF BOSTON
428 BOSTON PARK PLAZA HOTEL
BOSTON, MASSACHUSETTS 02117**

M-1

"A PROFILE OF SUCCESS"

- You're an achiever you've made your mark on the Boston Business Community
- You enjoy involvement you're an "action" person!
- You enjoy meeting and identifying with other successful professionals like yourself.
- You know that developing a network of business contracts could be valuable in terms of professional development
- You get satisfaction from helping others

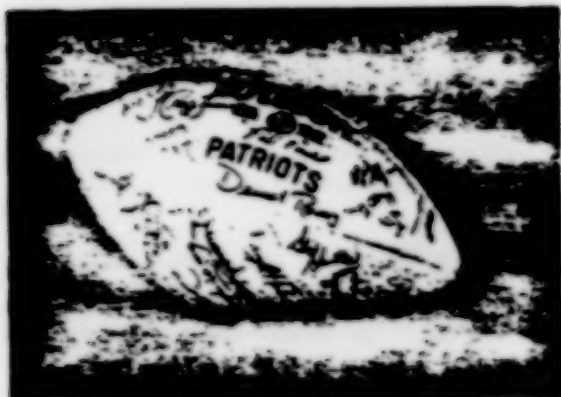
IF THIS IS YOUR PROFILE

YOUR PROFILE SHOULD INCLUDE BOSTON

ROTARY



WIN
A \$35,000
AUTOMOBILE



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THE TWENTY-FIFTH ANNUAL
GOVERNOR'S
PLAYER BREAKFAST

**GREATER
BOSTON
'86**

LIFESTYLES
WITH UP TO \$25,000 IN CASH AND FREE TRAVEL
WITH GREATER BOSTON '86. BOSTON, MASS.
BOSTON, MASS. BOSTON, MASS. BOSTON, MASS.

ROTARY CLUB OF BOSTON FACT SHEET

WHEN: Meets every Wednesday at 12:10 sharp for lunch.
(attendance of at least 60% is required for continuing membership)

WHERE: Boston Park Plaza Hotel.

WHY: Our members join and participate in personal development by way of growth, outstanding speakers, opportunity to network with other influential community leaders and business professionals.

WHAT: Over 200 members highly active in the Boston business community.

FOUNDED: 1909 — (Seventh oldest Rotary Club in the world).

OFFICE: Rotary Club of Boston
428 Boston Park Plaza Hotel
Boston, MA 02117

TELEPHONE: (617) 426-7133

**EXECUTIVE
DIRECTOR:** Richard J. Kelley

The HUB

A sampling of just a few of our outstanding luncheon speakers

Charles Fivris
Chairman Federal
Communication Commission

John Nolan, President
Massachusetts College Art

Philip Sullivan
Postmaster - Boston

Honorable John Volpe
Gov. Ambassador

Jack Williams
WBZ-TV News - 4

Dr. Jean Mayer, Tufts Univ.

Joseph Barresi, Inspector Gen.
Commonwealth of MA

Katherine Fanning, Editor
Christian Science Monitor

John Coleman
V.P. New England
Telephone Company

John LaWare
Shawmut Bank of Boston

James Sullivan
President of Greater
Boston Chamber of Commerce

Hon. John Lehman, Jr.
Secretary of the Navy

William Douce, CEO
Philips Petroleum Co.

Dick Albert, WCVB-TV - 5

Robin Young, WNEV-TV - 7

Fred Salvucci, Secretary
Transportation

YOU CAN MAKE THINGS HAPPEN

There are three major things the Rotary Club of Boston helps make happen:

1. Support for deserving college and post-college level students around the world, including:
 - Our own grants and loans to local students who need them (last year this amounted to \$32,000 for students).
 - Screening, recommending and supporting local candidates for Rotary Foundation Scholarships - an international effort that is five times as large as the Rhodes Scholarship Program (last year rotary granted \$21,915,000.00 to 1,154 students).
 - Continuing welcome, recognition and support to Rotary Scholars, and to children of Rotarians who are studying in Boston area colleges and universities.
2. Service to the community:
 - Organization and sponsorship of the Governor's Prayer Breakfast - which annually draws over 1,100 business and professional leaders from all over the city.
 - Both "hands on" and financial support for local projects, such as our current 3 year effort to help fight homelessness in Boston that has produced \$36,000 and over 1000 hours of Rotary volunteer effort, and the annual Christmas-time fund-raising that reaches 55-60 needy families each year.
 - Other support and assistance to those in need - whether locally or internationally.
3. Fellowship, new friendships, and outstanding weekly programs
 - Our attendance averages 65% of the Club's 200 members at luncheon each week, for speakers who in the past year have ranged from Paul Tsongas to Kenneth Olsen.
 - Programs are selected to stimulate and appeal to our diverse membership. This year's topics have covered everything from Northern Ireland to agribusiness to solid waste disposal to executive stress.

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BOSTON ROTARIANS YOU MAY KNOW

Rev. Dr. Robert W. College, Vicar, Old North Church

"Rotary has provided me the opportunity to know men that I would not otherwise meet in my regular activities. Boston Rotary allows speakers and visitors from around the world, and breaking bread with such a varied group of achievers broadens one's horizons and deepens one's understandings. Rotary has been good for me."

Mr. George Walker, Former Postmaster General

Membership in Rotary can enhance the careers of executors and professionals, as it affords the opportunity to associate with many community leaders. Each individual has need to be concerned with humanitarian and youth programs and these are readily available in Rotary. This unique worldwide organization brings together people from many countries who share the same concerns and who welcome Rotarians to their countries and their clubs.

From personal experience, I highly recommend Rotary membership as a fulfilling experience which should be seriously considered.

Johnathan Peabody — Vice President Peabody Office Furniture Corp.

For over 16 years Rotary has enriched my life in many ways. Although there are a variety of ways a member may serve Rotary, I have chosen community services. This has involved over the years selecting needy families for gifts at Christmas serving meals at the Pine Street Inn, and chairing the committee to raise money for Boston's homeless community.

The weekly meetings are a welcome break from the pressures of business providing an opportunity to hear excellent speakers and make lasting friendships with fellow Rotarians.

I certainly consider my years as a Rotarian an important part of my life.

Clyde Brennan, Audit Partner, Deloitte Haskins & Sells

A city must have participation by its citizens to be vibrant. The corollary to this is that you must give to receive. Rotary fits these requirements. Businessmen can gather together to discuss the activities of the community and address its needs. There is no better way to fulfill your civic responsibilities.

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JUST A SAMPLE OF THE DIVERSIFIED CLASSIFICATIONS OF OUR MEMBERS

Accounting Services	Immigration Service
Advertising	Insurance
Air Transportation	International Importers
Antique Clock & Watch Repair	International Marketing
Architecture	Investments
Association - Gas	Law Trial
Association - United Way	Occupational Safety
Association - U.S.O.	Oil Products - Commercial
Association - Y.M.C.A.	Photography
Association Youth Guidance	Physicians
Banking	Plumbing & Heating
Christianity	Public Relations
Community Services	Real Estate
Dentistry	Retailing - Beverage
Economist	Retailing - Computer
Education Junior College	Retailing - Drugs
Electric Light and Power service	Retailing - Florist
Engineering	Retailing - Food
Entertainment	Retailing - Jewelry
Foreign Government	Retailing - Office Furniture
Funeral Service	Stationary Commercial
Furniture Moving and Storage	Stock Broker Communications
Government - State	Travel Service
Heating - Commercial & Industrial	Vehicle Sales/rental
Hospitals - Chronic	Waste Service
Hotel	Wholesale - Fish

YOU'LL BE PART OF A BIG OUTFIT

The Rotary Club of Boston, founded 75 years ago, the seventh oldest club in Rotary International, an organization that now numbers 21,753 clubs in 159 countries, with 1,000,000 members.

Our members are welcomed at Rotary Clubs all over the United States and the world -- and we regularly take advantage of this. Boston Rotarians have "made up" attendance this year in places ranging from Singapore to Sarasota, and we have each week welcomed guests from cities that range from Ankara, Turkey to Adelaide, Australia. (We average about 15 visitors from out of town each week -- a continuing stream of new friends and contacts from all over the world.)

You'd be surprised at the things your Rotary lapel button will lead you into:

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YOU'LL BE IN GOOD COMPANY

Here's a sample of the many organizations who have members in the Rotary Club of Boston:

American Automobile Association	John Hancock Mutual Life Assurance Co.
Bank of Boston	Law Firms
Bank of New England	Looms, Sayles & Co.
BayBank of Boston	Liberty Mutual Insurance Company
B.L. Wakepeace	Massachusetts General Hospital
Boston Athletic Association	Merchants Cooperative Bank
Boston Edison Company	National Conference of Christians & Jews
Burdett School	New England Institute of Applied Arts and Sciences
Carey & Hayes Moving	New England Mutual Life Assurance Co.
Chamberlaine Junior College	Newsome and Company
C.J. Mann Corporation	Physicians
Coca Cola Bottling Company	Price Waterhouse
Cole-Henue	Big Carlton
Commonwealth of Massachusetts	R.M. Bradley
Digital Equipment Corporation	Robie Enterprises
D.Wm. Quinn Florio	Salvation Army
E.B. Hoan Company	Sciences
Fisher Junior College	Shawmut Bank
Four Seasons Hotel	State Street Bank and Trust Co.
Greater Boston Chamber of Commerce	The First Church of Christ Scientist
Greater Boston Visitor Convention Bureau	The Old North Church
Greater Boston Y.M.C.A.	United Way of Massachusetts Bay
GSA Corporation	USO Council
Japan Air Lines	
Jewish Memorial Hospital	

THERE'S PLENTY IN IT FOR YOU

YOU CAN HAVE ALL THIS...THROUGH
BOSTON ROTARY

1. I would like to nominate Mr.
Serge Dore as I wish to ascertain whether or not it appears to the Committee that he is eligible for proposal
If so, please mail me a Membership Application Blank to be filled out and returned to your Committee
2. The nominee is not a member of a similar service club
3. Please fill by Candidate
4. Firm Name _____
5. Business Address _____
City _____ State _____ Zip _____
6. Classification or Description of Business _____

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Figure 2

"A "conversation" with M.A.T.,"
remarks of M.A.T. Caparas,

REPORT OF THE PROCEEDINGS OF THE
ROTARY INTERNATIONAL ZONE I & VII
INSTITUTE HELD ON OCTOBER 4, 1985
IN DENVER, COLORADO

* * *

. . . As a married man I am a family man. In a practice, for meeting the press, a lady reporter asked me, "Mr. President, how do you feel about women in Rotary personally?" And I said, "I'm the father of two daughters. I do not want them to be discriminated against." She did not pursue the question, although the answer was not really responsive. But it does say what I feel. I can explain to my daughters why women are not in Rotary. And I say, "You know Rotary started in 1905. At that time there was no such thing as professional and business specialists." There were "business men" not "business specialists." It was not fashionable to say "chairperson." It was believed that "mankind" included "human-kind." And therefore, for those who drafted the Constitution of our organization, Rotary, they just talked of males in the course of time, as they say "You've

come a long way, baby." But, the document has remained the same because it needs, just like the U.S. Constitution, a 2/3s vote to change it.

We've tried repeatedly, to change it in the same way that they have tried repeatedly to change the discrimination against women in the U.S. Constitution. And, they have failed, so far. There is another complication in our own Constitution. Our organization is an international organization and it gets much more difficult to change it. There are differences in ways of life. For instance, there are so many different ways of life. The Korean way of life and the American way of life--in Korea, a Korean was saying the women walk behind their husbands and in the United States they walk all over them. The Korean said in Korea you won't get a laugh out of that because in Korea the women do walk over the backs. It is the truth.

I feel, personally, and I think it should be said because I will head your organization, I feel that injustice should not be permitted to exist. We should

strive against it. It is a form of injustice, that if permitted to continue without resistance, will breed the kind of discrimination that we take for granted. So much for women in Rotary.

* * *

